

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF GLOBAL CONNECTION,)	
INC. OF AMERICA FOR DESIGNATION AS AN)	
ELIGIBLE TELECOMMUNICATIONS CARRIER)	CASE NO.
FOR PURPOSES OF RECEIVING FEDERAL)	2009-00448
UNIVERSAL SERVICE SUPPORT PURSUANT)	
TO SECTION 214(E)(2) OF THE)	
TELECOMMUNICATIONS ACT OF 1996)	

O R D E R

On November 17, 2009, Global Connection, Inc. of America (“Global Connection”) filed with the Commission a petition to be certified as an Eligible Telecommunications Carrier (“ETC”). However, in filing its petition, Global Connection did not have an attorney sign the petition on the company’s behalf. Finding that an attorney does not currently represent the petitioner in this matter, the Commission shall give Global Connection the opportunity to cure this deficiency.

Global Connection is a foreign business corporation which is domiciled in Georgia but registered to do business in Kentucky.¹ The ETC petition was signed by Carey Roesel. Mr. Roesel is not an attorney licensed to practice law in Kentucky.²

¹ Based on information provided from the Kentucky Secretary of State. See <http://apps.sos.ky.gov/corpscans/06/0707206-09-99999-20090603-ARP-3965998-PU.pdf> (last visited on November 24, 2009).

² The directory of the Kentucky Bar Association does not list any licensed attorney with the name of “Carey Roesel.” See <http://www.kybar.org/26> (last visited November 24, 2009).

No person may engage in the practice of law in Kentucky without first obtaining a license to practice. The practice of law is:

[A]ny service rendered involving legal knowledge or legal advice, whether of representation, counsel or advocacy in or out of court, rendered in respect to the rights, duties, obligations, liabilities, or business relations of one requiring the services.³

It includes the representation of a corporation before a state administrative agency.⁴

As to its own proceedings, this Commission has adopted a similar position and has required that those representing the interests of others before this agency be licensed attorneys. In a previous case, the Commission ordered that:

[A]ny attorney who is not licensed to practice in the State of Kentucky and who seeks to represent a client or employer before this Commission must engage a member of the Kentucky Bar Association.⁵

It logically follows that, if an unlicensed attorney may not represent a client before this Commission, neither may a layman.⁶

³ SCR 3.020.

⁴ Kentucky State Bar Association v. Henry Vogt Machine Co., 416 S.W.2d 727 (Ky. 1967). While we find no authority regarding the representation of a limited liability company before an administrative agency, there is a large body of case law that holds that representation of a limited liability company constitutes the practice of law. See Winzer v. EHCA Dunwoody, LLC, 627 S.E.2d 426 (Ga. App. 2006); Gilley v. Shoffner, 345 F.Supp.2d 563 (M.D.N.C. 2004); Sharp v. Bivona, 304 F.Supp.2d 357 (E.D.N.Y. 2004); Kipp v. Royal & Sun Alliance, 209 F.Supp.2d 962 (E.D.Wisc. 2002).

⁵ Administrative Case No. 249, Practice Before the Commission by Attorneys Non-Licensed in the Commonwealth of Kentucky (Ky. PSC June 15, 1981) at 2. See also Case No. 2004-00348, Howard Keen v. Carroll County Water District #1 (Ky. PSC Oct. 15, 2004).

⁶ See also 807 KAR 5:001, Section 12.

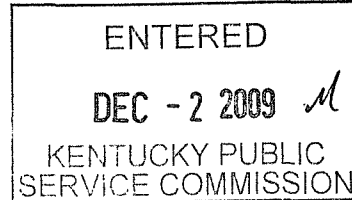
Based on the foregoing facts, the Commission finds that the petition fails to comply with Kentucky law and Commission rules. Global Connection shall be given the opportunity cure this deficiency within 20 days of the date of this Order.

IT IS THEREFORE ORDERED that:

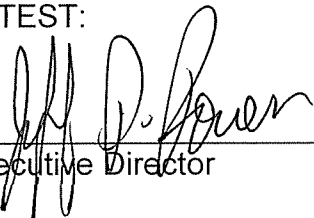
1. Global Connection shall have 20 days from the date of this Order to have an attorney licensed to practice in the state of Kentucky submit a Notice of Entry of Appearance for this proceeding.

2. If Global Connection has failed to have an attorney licensed to practice in the state of Kentucky submit a Notice of Entry of Appearance within 20 days, this matter shall be closed and removed from the Commission's docket by separate Order.

By the Commission



ATTEST:



Executive Director

Mark D Gagne
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Carey Roesel
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